

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

GRACIOUS LIVING CORPORATION,)	CIVIL ACTION NO.: 2:16-cv-02364-DCN
)	
Plaintiff,)	
vs.)	
)	NOTICE OF REMOVAL OF CIVIL ACTION
COLUCCI & GALLAHER, PC AND)	
JOHN KEENAN,)	
)	
Defendants.)	
)	

Defendant Colucci & Gallaher, PC (“Colucci & Gallaher”) in this civil action styled Gracious Living Corporation v. Colucci & Gallaher, PC and John Keenan, case number 2016-CP-10-2716 in the Court of Common Pleas for Charleston County, South Carolina (“the State Court Action”), by and through its undersigned counsel, hereby files this Notice of Removal of the State Court Action to the United States District Court for the District of South Carolina, Charleston Division. Colucci & Gallaher shows this Court the following:

1. Plaintiff filed the Complaint alleging legal malpractice on May 25, 2016. Plaintiff perfected service on Colucci & Gallaher on May 31, 2016.

2. Upon information and belief, Plaintiff has not yet perfected service on Defendant John Keenan.

3. Plaintiff is a Canadian company. Pltf. Compl., para. 1 (May 25, 2016).

4. Colucci & Gallaher is a law firm with its sole office and principal place of business in Buffalo, New York.

5. Upon information and belief, Defendant Keenan is a resident of New York. Pltf. Compl., para. 3.

6. This Court has jurisdiction of this action pursuant to 28 USC § 1332(a)(2), removal based on diversity of citizenship.

7. Colucci & Gallaher is filing this Notice of Removal within 30-days of service of the Summons and Complaint. Upon information and belief, Plaintiff has not yet perfected service of the Summons and Complaint on Defendant Keenan, so his joinder and/or consent is not required under 28 USC § 1446(b)(2).

8. Upon information and belief, the amount in controversy is and may be more than \$75,000.00. The Complaint does not contain a request for a sum certain of recovery, but the Complaint references \$65,391.63 in actual damages, punitive damages, prejudgment interest, and other costs sought in recovery.

9. Diversity jurisdiction is proper because this is a dispute between a foreign company and two non-resident Defendants, and, upon information and belief, Plaintiff seeks recovery of alleged damages in an amount greater than or equal to \$75,000.00. If Plaintiff admits the amount in controversy is less than this amount, the case would be properly remanded.

10. Venue is proper in this District and Division because they embrace the Charleston County Court of Common Pleas for the State of South Carolina, the forum in which the removed action was filed and pending.

11. Colucci & Gallaher files with this Notice, a copy of the pleadings filed to date in the State Court Action as Exhibit A and will supplement as necessary any other/remaining items this Court wishes to review.

12. Immediately upon the filing of this Notice of Removal, Colucci & Gallaher will file a Notice of the removal with the Charleston County Court of Common Pleas (which will include a copy of this Notice of Removal). Colucci & Gallaher will serve Defendant Keenan and counsel for the Plaintiff, thereby notifying the State Court and other parties to this action of the removal.

13. Colucci & Gallaher is filing a civil action cover sheet as Exhibit B and Answers to Rule 26.01 Interrogatories as Exhibit C.

14. The undersigned will, immediately upon the filing of this Notice of Removal, notify Julie Armstrong, the Clerk of Court of Charleston County regarding the same.

THEREFORE, Colucci & Gallaher prays this Honorable Court: a) accept this Notice of Removal; b) take jurisdiction of this case and c) stay all further proceedings in the State Court Action.

This 30th day of June, 2016.

Respectfully submitted,

CARLOCK, COPELAND & STAIR, L.L.P.

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